

State of Rhode Island  
Department of Environmental Management  
Office of Air Resources  
And  
Department of Revenue  
Division of Motor Vehicles

## **FACT SHEET**

**In re: Proposed amendments to Air Pollution Control Regulation No. 34 "Rhode Island Motor Vehicle Inspection/Maintenance Program", the Division of Motor Vehicles' "Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1", and the State Implementation Plan (SIP)**

### **Introduction**

The Department of Environmental Management (DEM), Office of Air Resources, is proposing to amend Air Pollution Control (APC) Regulation No. 34 "Rhode Island Motor Vehicle Inspection/Maintenance Program". These proposed amendments incorporate certain EPA standards relating to the inspection of "On Board Diagnostic" (OBD)-equipped vehicles, and make several technical changes to the regulations. Additionally, due to the fact that Department of Revenue, Division of Motor Vehicles (DMV) regulation "Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1" incorporates by reference APC Regulation No. 34, it will be re-promulgated to incorporate the changes proposed to APC Regulation No. 34. No changes to the text of DMV Regulation No. 1 are proposed. These revised regulations will also be incorporated in the State Implementation Plan (SIP).

### **Overview**

The current motor vehicle Inspection/Maintenance (I/M) program began operating in January 2000 under regulations authorized by RIGL § 31-47-1. All vehicles were tested for tailpipe emissions as required by the cited statute. In 2002, the law was amended to incorporate OBD testing to replace tailpipe testing for these OBD-equipped vehicles, that is for model year (MY) 1996 or newer vehicles. The modified testing began in 2003 for MY 2000 and newer vehicles, using EPA standards developed for MY 1996-2000. By early 2004 all OBD-equipped vehicles were phased into the OBD testing procedure.

The EPA standards applicable to OBD testing (40 CFR 85.2222 (c)(2)) require a slightly more stringent set of criteria for MY 2001 and newer vehicles. These proposed amendments would modify the Rhode Island I/M program to incorporate the EPA criteria for MY 2001 and newer vehicles. Additionally, EPA requires a visual check of the OBD Malfunction Indicator Light (MIL) (40 CFR 85.2222 (d)(4)), whereas the existing APC Regulation No. 34 relies on a computer check of the MIL. These proposed amendments would also modify the I/M program to require the visual check of the MIL.

Several clarifying changes are also included in these proposed amendments.

### **Description of Proposed Amendments**

APC Regulation section 34.5 (a) would be modified to indicate that for MY 2001 and newer vehicles, more than one monitor in the vehicle's on-board computer not set as ready will constitute an inspection failure. The current rule allows the inspection to go forward if up to two monitors are not set as ready. For MY 1996-2000, no change is required.

APC Regulation section 34.5 (b) would be modified to indicate that a non-functioning (non-illuminating) Malfunction Indicator Light (based on a visual check of the light) constitutes a failure.

Gas cap integrity testing (34.4.4) is being eliminated for OBD-equipped vehicles as this testing is incorporated in the computer testing program.

References throughout APC Regulation 34 to procedures contained in an appendix to the regulations (Appendix A) have been replaced with a reference to "Department of Revenue approved procedures", and the single page Appendix will be eliminated under these proposed amendments.

### **Demonstration of Need**

These proposed amendments are required by EPA's Vehicle Inspection Maintenance Program under 40 CFR Parts 51 and 85. They will make the OBD inspection of MY 2000 and newer vehicles slightly more stringent, resulting in additional emission reductions.

### **Alternative Approaches Considered**

No alternative approaches were considered.

### **Identification of Overlapped or Duplicated State Regulations**

The Office of Air Resources has identified no state regulations that overlap or duplicate the proposed amendments.

### **Determination of Significant Adverse Economic Impact on Small Business or Any City or Town**

No significant adverse economic impact to small business or any city or town is anticipated related to these proposed amendments.

### **Public Hearing**

A public hearing regarding the proposed amendments to Air Pollution Control Regulation No. 34 "Rhode Island Motor Vehicle Inspection/Maintenance Program" and DMV's "Rhode Island Motor Vehicle Safety and Emissions Control Regulation No. 1" will be held on 9 March 2007 at 10:00 AM. Written comments may be sent to the Office of Air Resources at the address below until 4:00 PM on 9 March, unless the hearing officer extends the comment period.

**For more information or copies of the proposed amendments contact:**

Frank Stevenson, P.E., Supervising Air Quality Specialist  
Office of Air Resources  
235 Promenade Street  
Providence, RI 02908  
(401) 222-2808 ext. 7021  
toll free 1-800-752-8088  
TCDD (401) 222-6800  
frank.stevenson@dem.ri.gov  
Or, visit the DEM web site at [www.dem.ri.gov](http://www.dem.ri.gov)